

STATE OF MICHIGAN
COURT OF APPEALS

BARBARA STACHAK,

Plaintiff-Appellant,

v

ADOLFO CENIZA, M.D., and
NORTHERN PATHOLOGY ASSOCIATES, P.C.,

Defendants-Appellees,

and

NORTHERN MICHIGAN HOSPITAL,
PETOSKEY SURGEONS, P.C., and JEFFREY
BEAUDOIN, M.D.,

Defendants.

UNPUBLISHED
September 21, 2010

No. 291766
Emmet Circuit Court
LC No. 08-001065-NH

Before: WILDER, P.J., and CAVANAGH and M. J. KELLY, JJ.

MEMORANDUM.

In this medical malpractice suit, plaintiff Barbara Stachak appeals as of right the judgment entered in favor of defendants Adolfo Ceniza, M.D., and Northern Pathology Associates, P.C. following a jury trial. Because we conclude that there were no errors warranting relief, we affirm. We have decided this appeal without oral argument under MCR 7.214(E).

The issues raised on appeal concern whether the trial court properly admitted the testimony of Kathleen Chisholm, a cytotechnologist at defendant Northern Pathology Associates, who initially reviewed samples from Stachak's fine needle aspiration of a breast lump. In his review of the samples, Ceniza concluded that malignant cells consistent with mammary carcinoma were present, and recommended that Stachak undergo an excisional biopsy. He then concluded from a review of the sample taken from the excisional biopsy that the cells were benign. After receiving information about Stachak's surgical history, Ceniza reviewed the sample again and created a revised report. The revised report identified atypical cells consistent with reactive cells adjacent to a biopsy site—that is, nonmalignant cells.

This Court reviews a trial court's decision regarding the admission of evidence for an abuse of discretion. *Silberstein v Pro-Golf of America, Inc*, 278 Mich App 446, 460; 750 NW2d 615 (2008). A trial court abuses its discretion when it selects an outcome that is outside the range of reasonable and principled outcomes. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006).

Stachak contends that Chisholm was called to testify in order to explain that she arrived at the same conclusion regarding the fine needle aspiration as Ceniza. She also maintains that Chisholm's testimony was irrelevant because Ceniza stated that he did not rely on her review of the cell sample. However, the testimony was ostensibly offered for a proper purpose: to explain the complete process by which a cell sample is reviewed at Northern Pathology Associates, as well as the timetable by which Ceniza arrived at his initial August 2005 diagnosis. And although Ceniza did not rely on Chisholm's written report to support his diagnosis, he did use her markings on the slides to guide his review. Therefore, the evidence was relevant and admissible. See MRE 401; MRE 402. Further, although the evidence may have been cumulative, any potential prejudice did not substantially outweigh its probative value. MRE 403. Finally, the trial court gave a limiting instruction to the jury, explaining that Chisholm's testimony was to be used only to explain the process followed, not the appropriate standard of care. There is nothing of record to suggest that the jury did not follow these instructions. See *People v Graves*, 458 Mich 476, 486; 581 NW2d 229 (1998).

On this record, we cannot conclude that the trial court's decision to admit the testimony fell outside the range of reasonable and principled outcomes.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Mark J. Cavanagh
/s/ Michael J. Kelly